

REMARKS

The present invention provides a 1-aryl- or 1-alkylsulfonylheterocyclylbenzazole compound of formula I, and the therapeutic use thereof for the treatment of CNS disorders related to or affected by the 5-hydroxytryptamine-6 receptor.

Claims 1, 3-7, 12 and 14-23 are pending in this application. Claims 7, 18, 19 and 22 have been amended. Claims 1, 3-6, 12 and 14-17 have been cancelled.

Applicants have cancelled claims 1, 3-6, 12 and 14-17 solely to advance the prosecution of the present application. Applicants reserve the right to file a continuation application directed toward the subject matter of claims 1, 3-6, 12 and 14-17.

Claims 1, 3-7, 12 and 14-18 have been rejected under 35 U.S.C. § 102(e), as being anticipated by Caldirola et al, US 2002/0165251 A1.

Applicants respectfully traverse the rejection. Caldirola et al disclose 2-, 3-, 4-, or 5-substituted-N1-(arylsulfonyl)indole and (heteroaryl)indole compounds. In contrast, the instant claims, as amended hereinabove, describe 1-aryl- or 1-alkylsulfonylheterocyclylindazole compounds. In view of the amendments, Applicants believe the rejection under 35 U.S.C. § 102(e) has been overcome.

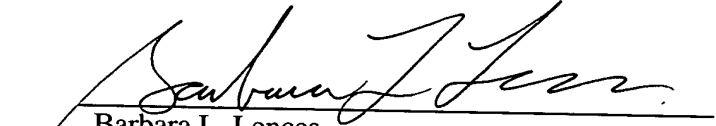
Claims 1, 3-7, 12 and 14-23 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner points out that, as a result of the earlier restriction requirement and Applicant's subsequent election of A = N and m = 2, the definition of the term "----" should be limited to a single bond.

Applicants thank the Examiner for pointing out the inconsistency in the definition of the term "----" when A = N. The instant claims have been amended to define the dotted line configuration as representing a single bond. In view of the amendments, Applicants believe the rejection under 35 U.S.C. § 112, second paragraph has been overcome.

Applicants believe that the Examiner's rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 112, second paragraph have been overcome in view of the amendments to the claims, as shown hereinabove. Applicants respectfully request the Examiner to enter the above amendments, consider the above remarks, withdraw the rejections and allow the application.

Favorable treatment of the application is earnestly solicited.

Respectfully submitted,



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